

By



S.B. 1010

A BILL TO BE ENTITLED

AN ACT

relating to the Plumbing License Law Municipal rules and regulations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) is amended by changing Section 15, Plumbing License Law to Section 15 (a), Plumbing License Law and adding Subsection (b) to read as follows:

(b) If a city, town, or village requires that a Master plumber secure and execute a license and permit bond before such person can be issued a permit, then the city must accept a certificate of insurance in lieu of the license and permit bond if presented by the Master plumber. The insurance must be written by a company licensed to do business in the state of Texas. The Master plumber shall have in force commercial general liability insurance in an amount not less than \$300,000 combined for property damage and bodily injury sustained by one or more persons, \$300,000 aggregate (total amount the policy will pay), and \$300,00 aggregate for products and completed operations.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

S.B. _____

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby
3 suspended, and that this Act take effect and be in force
4 according to its terms, and it is so enacted.

By: Patterson S.B. No. 1010
(In the Senate - Filed March 12, 1993; March 15, 1993, read first time and referred to Committee on State Affairs; April 26, 1993, reported adversely, with favorable Committee Substitute by the following vote: Yeas 11, Nays 0; April 26, 1993, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Harris of Dallas	x			
Rosson	x			
Carriker	x			
Henderson	x			
Leedom	x			
Lucio	x			
Luna	x			
Nelson	x			
Patterson	x			
Shelley	x			
Sibley				x
West	x			
Whitmire				x

COMMITTEE SUBSTITUTE FOR S.B. No. 1010

By: Patterson

A BILL TO BE ENTITLED
AN ACT

relating to the bonding or insurance requirements of certain political subdivisions for the performance of plumbing work.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. LOCAL [~~MUNICIPAL~~] RULES AND REGULATIONS.
(a) Every city in this state of more than five thousand (5,000) inhabitants shall, and any city or town of this state may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which a supply of water, gas or sewage is used or carried; and provided that they shall not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no plumbing shall be done except in case of repairing of leaks, without a permit being first issued therefor upon such terms and conditions as such city or town shall prescribe; provided that no such ordinance, by-law, rule or regulation prescribed by any such city or town shall be inconsistent with this Act, or any rule or regulation adopted or prescribed by the State Board of Plumbing Examiners.

(b) A political subdivision that requires a master plumber to have a bond before the plumber may be issued a permit shall accept a certificate of insurance that meets the requirements of this subsection in lieu of a bond. The certificate of insurance must be written by a company licensed to do business in this state and provide for commercial general liability insurance for the master plumber for claims for property damage or bodily injury, without regard to whether the claim is based on negligence or contract, in an amount not less than \$300,000 coverage for all claims in any one year.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

* * * * *

Austin, Texas
April 26, 1993

Hon. Bob Bullock
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred S.B. No. 1010, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

Harris of Dallas, Chairman

* * * * *

WITNESSES	FOR	AGAINST	ON
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Name: Gilbert Kissling			x
Representing: State Board of Plumbing Exam			
City: Austin			

FAVORABLY AS SUBSTITUTED SENATE COMMITTEE REPORT ON

☒ SB ☐ SCR ☐ SJR ☐ SR ☐ HB ☐ HCR ☐ HJR 1070
 By Patterson
 (Author/Senate Sponsor)
4/26/93
 (date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure, have on 4/26/93, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed
 ☐ the caption remained the same as original measure
 ☒ the caption changed with adoption of the substitute
☒ do pass as substituted, and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no
 A revised fiscal note was requested. ☒ yes ☐ no
 An actuarial analysis was requested. ☐ yes ☒ no
 Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Harris, O.H. "Ike", Chair	✓			
Rosson, Vice-Chair	✓			
Carriker	✓			
Henderson	✓			
Leedom	✓			
Lucio	✓			
Luna	✓			
Nelson	✓			
Patterson	✓			
Shelley	✓			
Sibley			✓	
West	✓			
Whitmire			✓	
TOTAL VOTES	11	0	2	0


 COMMITTEE CLERK


 CHAIRMAN

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 16, 1993

TO: Honorable O. H. (Ike) Harris, Chair
Committee on State Affairs
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1010
By: Patterson, J.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1010 (relating to the Plumbing License Law Municipal rules and regulations) this office has determined the following:

No fiscal implication to the State is anticipated.

No significant fiscal implication to units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, JOL

By Patterson

S.B. No. 1010

Substitute the following for S.B. No. 1010:

By 

C.S.S.B. No. 1010

A BILL TO BE ENTITLED

AN ACT

relating to the bonding or insurance requirements of certain political subdivisions for the performance of plumbing work.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 15, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 15. LOCAL [MUNICIPAL] RULES AND REGULATIONS. (a)

Every city in this state of more than five thousand (5,000) inhabitants shall, and any city or town of this state may, by ordinance or by-law, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures by and through which a supply of water, gas or sewage is used or carried; and provided that they shall not be placed in any building therein except in accordance with such rules and regulations; and shall further provide that no plumbing shall be done except in case of repairing of leaks, without a permit being first issued therefor upon such terms and conditions as such city or town shall prescribe; provided that no such ordinance, by-law, rule or regulation prescribed by any such city or town shall be inconsistent with this Act, or any rule or regulation adopted or prescribed by the State Board of Plumbing Examiners.

(b) A political subdivision that requires a master plumber

1 to have a bond before the plumber may be issued a permit shall
2 accept a certificate of insurance that meets the requirements of
3 this subsection in lieu of a bond. The certificate of insurance
4 must be written by a company licensed to do business in this state
5 and provide for commercial general liability insurance for the
6 master plumber for claims for property damage or bodily injury,
7 without regard to whether the claim is based on negligence or
8 contract, in an amount not less than \$300,000 coverage for all
9 claims in any one year.

10 SECTION 2. This Act takes effect September 1, 1993.

11 SECTION 3. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

April 28 1993 Engrossed

Engrossing Clerk

1993 APR 30 PM 12:37

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct
copy of SB 1010 which was
received from the Senate on 4-29-93 and
referred to the Committee on Licensing & Administrative Procedure
Chief Clerk of the House

By: Patterson

S.B. No. 1010

(Crabb)

A BILL TO BE ENTITLED

AN ACT

1 relating to the bonding or insurance requirements of certain
2 political subdivisions for the performance of plumbing work.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 15, The Plumbing License Law (Article
5 6243-101, Vernon's Texas Civil Statutes), is amended to read as
6 follows:

7 Sec. 15. LOCAL [MUNICIPAL] RULES AND REGULATIONS.

8 (a) Every city in this state of more than five thousand (5,000)
9 inhabitants shall, and any city or town of this state may, by
10 ordinance or by-law, prescribe rules and regulations for the
11 materials, construction, alteration and inspection of all pipes,
12 faucets, tanks, valves and other fixtures by and through which a
13 supply of water, gas or sewage is used or carried; and provided
14 that they shall not be placed in any building therein except in
15 accordance with such rules and regulations; and shall further
16 provide that no plumbing shall be done except in case of repairing
17 of leaks, without a permit being first issued therefor upon such
18 terms and conditions as such city or town shall prescribe; provided
19 that no such ordinance, by-law, rule or regulation prescribed by
20 any such city or town shall be inconsistent with this Act, or any
21 rule or regulation adopted or prescribed by the State Board of
22 Plumbing Examiners.

23 (b) A political subdivision that requires a master plumber

1 to have a bond before the plumber may be issued a permit shall
2 accept a certificate of insurance that meets the requirements of
3 this subsection in lieu of a bond. The certificate of insurance
4 must be written by a company licensed to do business in this state
5 and provide for commercial general liability insurance for the
6 master plumber for claims for property damage or bodily injury,
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8 contract, in an amount not less than \$300,000 coverage for all
9 claims in any one year.

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12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

April 27, 1993

TO: Honorable O. H. (Ike) Harris, Chair
Committee on State Affairs
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 1010

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1010 (relating to the bonding or insurance requirements of certain political subdivisions for the performance of plumbing work) this office has determined the following:

No fiscal implication to the State is anticipated.

No significant fiscal implication to units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 16, 1993

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Committee on State Affairs
Senate Chamber
Austin, Texas

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By: Patterson, J.

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Source: LBB Staff: JO, JWH, EC, JOL

HOUSE COMMITTEE REPORT

1st Printing

53 MAY 12 PM 5: 44

HOUSE OF REPRESENTATIVES

By: Patterson

S.B. No. 1010

(Crabb)

A BILL TO BE ENTITLED

AN ACT

1 relating to the bonding or insurance requirements of certain
2 political subdivisions for the performance of plumbing work.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 15, The Plumbing License Law (Article
5 6243-101, Vernon's Texas Civil Statutes), is amended to read as
6 follows:

7 Sec. 15. LOCAL [MUNICIPAL] RULES AND REGULATIONS.

8 (a) Every city in this state of more than five thousand (5,000)
9 inhabitants shall, and any city or town of this state may, by
10 ordinance or by-law, prescribe rules and regulations for the
11 materials, construction, alteration and inspection of all pipes,
12 faucets, tanks, valves and other fixtures by and through which a
13 supply of water, gas or sewage is used or carried; and provided
14 that they shall not be placed in any building therein except in
15 accordance with such rules and regulations; and shall further
16 provide that no plumbing shall be done except in case of repairing
17 of leaks, without a permit being first issued therefor upon such
18 terms and conditions as such city or town shall prescribe; provided
19 that no such ordinance, by-law, rule or regulation prescribed by
20 any such city or town shall be inconsistent with this Act, or any
21 rule or regulation adopted or prescribed by the State Board of
22 Plumbing Examiners.

23 (b) A political subdivision that requires a master plumber

1 to have a bond before the plumber may be issued a permit shall
2 accept a certificate of insurance that meets the requirements of
3 this subsection in lieu of a bond. The certificate of insurance
4 must be written by a company licensed to do business in this state
5 and provide for commercial general liability insurance for the
6 master plumber for claims for property damage or bodily injury,
7 without regard to whether the claim is based on negligence or
8 contract, in an amount not less than \$300,000 coverage for all
9 claims in any one year.

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11 SECTION 3. The importance of this legislation and the
12 crowded condition of the calendars in both houses create an
13 emergency and an imperative public necessity that the
14 constitutional rule requiring bills to be read on three several
15 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

May 11, 1993
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred S.B. 1010 by PATTERSON have had the same under consideration and beg to report
(measure)

back with the recommendation that it

- (X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. () yes (X) no An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was requested. () yes (X) no

An equalized educational funding impact statement was requested. () yes (X) no

An actuarial impact statement was requested. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure CRABG

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Ch.				X
Kubiak, V.C.	X			
Cain				X
Campbell				X
Carter	X			
Gallegos	X			
Goolsby	X			
Hilbert				X
Jones	X			
Thompson, G.	X			
Yarbrough	X			

Total
7 aye
0 nay
0 present, not voting
4 absent

Don Wilson
CHAIRMAN

COMMITTEE ON LICENSING
AND ADMINISTRATIVE
PROCEDURES

BILL ANALYSIS

S.B. 1010 By Patterson (Crabb)

BACKGROUND:

Some municipalities and political subdivisions require master plumbers to execute a license or permit bond in order to obtain a permit as way to guarantee the quality and completion of the work. The bonds are generally between \$1,000 and \$5,000 with a \$2,000 bond being the most common. In most cases the bond is not sufficient to cover damages or completion costs of the project. Several cities now accept general liability insurance in lieu of license or permit bonds.

PURPOSE:

As proposed, S.B. 1010 requires a city, town, or village that requires a master plumber to secure and execute a license and permit bond to accept in lieu of the license and permit bond a certificate of insurance. Sets forth minimum requirements for the master plumber's insurance.

RULEMAKING AUTHORITY:

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Section 15, Article 6243-101, V.T.C.S. (Plumbing License Law), as follows:

Sec. 15. New title: LOCAL RULES AND REGULATIONS. (a) Creates this subsection from existing text.

(b) Requires a political subdivision that requires a master plumber to have a bond before the plumber may be issued a permit to accept a certificate of insurance that meets the requirements of this subsection in lieu of a bond. Requires the certificate of insurance to be written by a company licensed to do business in this state and provide commercial general liability insurance for the master plumber for claims for property damage or bodily injury, without regard to whether the claim is based on negligence or contract, in an amount not less than \$300,000 coverage for all claims in any one year.

SECTION 2. Effective date: September 1, 1993.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE ACTION:

S.B. 1010 was heard in a Formal Meeting on May 11, 1993. Rep. Kubiak moved that S.B. 1010 be reported favorably to the full House with the recommendation that it do pass and be printed. The motion prevailed by the following vote: Ayes: (7), Nays: (0), Absent: (4).

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

April 27, 1993

TO: Honorable O. H. (Ike) Harris, Chair
Committee on State Affairs
Senate Chamber
Austin, Texas

IN RE: Committee Substitute for
Senate Bill No. 1010

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 1010 (relating to the bonding or insurance requirements of certain political subdivisions for the performance of plumbing work) this office has determined the following:

No fiscal implication to the State is anticipated.

No significant fiscal implication to units of local government is anticipated.

Source: LBB Staff: JO, JWH, EC, OC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
73rd Regular Session

March 16, 1993

TO: Honorable O. H. (Ike) Harris, Chair
Committee on State Affairs
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 1010
By: Patterson, J.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1010 (relating to the Plumbing License Law Municipal rules and regulations) this office has determined the following:

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Source: LBB Staff: JO, JWH, EC, JOL

S.B. No. 1010

By Pat

A BILL TO BE ENTITLED

AN ACT: relating to the Plumbing License Law Municipal rules and regulations.

3-12-93
MAR 15 1993

Filed with the Secretary of the Senate

STATE AFFAIRS

Read and referred to Committee on _____

Reported favorably _____

4-26-93

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

APR 28 1993

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

_____ yeas, _____ nays

APR 28 1993

Read second time, _____, and ordered engrossed by:

unanimous consent
a viva voce vote

_____ yeas, _____ nays

Caption ordered amended to conform to the body of the bill.

APR 28 1993

Senate and Constitutional 3 Day Rule suspended by a vote of 31 yeas, 0 nays.

APR 28 1993

Read third time, _____, and passed by:

A viva voce vote

_____ yeas, _____ nays

Betty King

SECRETARY OF THE SENATE

OTHER ACTION:

April 28, 1993

Engrossed

April 29, 1993

Sent to House

Engrossing Clerk

Antony Spaw

APR 29 1993

Received from the Senate

APR 30 1993

Read first time and referred to Committee on

LICENSING + ADMINISTRATIVE PROCEDURES

5-11-93

Reported favorably amended, sent to Printer at

1:40 pm 5-12-93

5-12-93

Printed and Distributed

5:44 pm

5-13-93

Sent to Committee on Calendars

2:48 pm

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of

_____ yeas, _____ nays _____ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

93 MAY 12 PM 5:44
HOUSE OF REPRESENTATIVES

25

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1010

By: Patterson

State Affairs

4-27-93

Committee Substitute

BACKGROUND

Some municipalities and political subdivisions require master plumbers to execute a license or permit bond in order to obtain a permit as a way to guarantee the quality and completion of the work. The bonds are generally between \$1,000 and \$5,000 with a \$2,000 bond being the most common. In most cases the bond is not sufficient to cover damages or completion costs of the project. Several cities now accept general liability insurance in lieu of license or permit bonds.

PURPOSE

As proposed, C.S.S.B. 1010 requires a city, town, or village that requires a master plumber to secure and execute a license and permit bond to accept in lieu of the license and permit bond a certificate of insurance. Sets forth minimum requirements for the master plumber's insurance.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15, Article 6243-101, V.T.C.S. (Plumbing License Law), as follows:

Sec. 15. New title: LOCAL RULES AND REGULATIONS. (a) Creates this subsection from existing text.

(b) Requires a political subdivision that requires a master plumber to have a bond before the plumber may be issued a permit to accept a certificate of insurance that meets the requirements of this subsection in lieu of a bond. Requires the certificate of insurance to be written by a company licensed to do business in this state and provide commercial general liability insurance for the master plumber for claims for property damage or bodily injury, without regard to whether the claim is based on negligence or contract, in an amount not less than \$300,000 coverage for all claims in any one year.

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Senate Research Center

C.S.S.B. 1010

By: Patterson

State Affairs

4-27-93

Committee Substitute

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